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AN INQUIRY INTO THE RELATION BETWEEN THE YOUNG RAWLS'S THEOLOGICAL ETHICS AND HIS SECOND PRINCIPLE OF JUSTICE IN THE LATER WORKS

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ABSTRACT

With regard to the connectedness of the political subject and its community, Rawls's theory of justice has often been criticised by the thinkers whose thoughts are oriented towards community. Rawls was considered to have impoverished the political subject by treating it as floating individual, rooted out of its foundation in community. In the middle of the debate that was still going on around this matter, an edited version of the young Rawls's thesis was published. Despite the fact that this did not help much in

saving this philosopher from the criticism by the communitarian thinkers because of his final preference that leaned towards political conception, the ethical theological work at least showed that communitarian position was once chosen by Rawls. By reading and comparing and juxtaposing this work with his later works, we can see that Rawls, the proposer of *justice as fairness*, did not completely drop his younger thought on person and community. In other words, between the theological ethics of the Young Rawls and the justice theory of Rawls there is a continuity of thought. This can be sensed among other in his basic assumptions on the individual and the society, those he implies in his argument on the 'difference principle' and the 'principle of equal opportunity'.

Keywords:

•person •personality •individual •community •society •difference principle •principle of equal opportunity •fairness •equality •equality in community •civic friendship •interpersonal relationship •comprehensive doctrine

Preliminary Remarks

The discovery of Rawls's undergraduate thesis at Princeton library in 2006 is of great significance for the study of Rawls's political philosophy. Published in 2010 by Harvard University Press under the title of *A Brief Inquiry Into The Meaning Of Sin & Faith*, the senior thesis sparks a fresh interest in the hidden role that religion and religious (Christian) ideas have played in the political thinking of this titan of twentieth century political philosophy.¹ Given the fact that Rawls himself acknowledged having abandoned his orthodox Christian belief since June 1945 on the one hand, but still mentioned religion here and there in his later works on the other, a host of questions may leap to mind. Has the theologically laden view of the young Rawls influenced the thought of the later Rawls? If yes, in

what way and to what extent has the influence taken place? What are the points of rupture and of contact between the senior thesis of Rawls and his conception of justice in his later works?

These questions have been addressed and treated at considerable length by some scholars, be they Rawlsian or not. Fourteen years before the publication of the BISF, Ricoeur already made an attempt to interpret Rawls's *A Theory of Justice* from a quasi-theological point of view. In his provocative reading of this work, Ricoeur suggests that Rawls's principles of justice are but a formalization of the commandment to love for the purpose of social practice, and that it is its secret kinship with the commandment to love that saves Rawls's difference principle from sliding into utilitarianism.² Eric Gregory in his reading of Rawls's undergraduate thesis comes up with a similar suggestion. Reading the thesis in tandem with the later works of the philosopher leads him to a conclusion that the relation between the young Rawls and the later Rawls is remarkable. He maintains, for example, that Rawls's later works can be seen as an attempt to provide a scheme through which humans themselves have to work to mitigate the effects of bad fortune, due to the impossibility of appealing to the divinity for the suffering and evil that human beings experience.³

Equally important as these two studies is the study by Nagel and Cohen.⁴ In the introduction to the BISF, Cohen and Nagel – themselves Rawls's students at Harvard – point out the religious temper of the life and writings of the later Rawls, which they say can be seen in Rawls's conviction that the aim of political philosophy is to defend reasonable faith by seeking the possibility of a just constitutional democracy.⁵ Rawls, as Cohen and Nagel maintain, also uses theological vocabulary in his remark that the original position enables us to see social world from the point of view of eternity.⁶ What is nevertheless much more important for the purpose of this essay is Cohen and Nagel's finding about the points of contact between the theological outlook of Rawls's BISF and the moral outlook of his TJ. The main points of contact as they identify them are as follows: 1) Rawls's definition of morality in terms of personal relations rather than of the pursuit of the highest good, 2) his emphasis on the separateness of persons, so that moral community is a relation among distinct individuals, 3) his rejection of the concept of society as a contract among egoistic individuals, 4) his denunciation of inequality based on exclusion and hierarchy, and 5) his rejection of the idea of merit.⁷

Also of crucial importance for the issue in question is Robert Merrihew

Adams's "The Theological Ethics of the Young Rawls and Its Background"⁸ –which is also included in the BISF. In this comprehensive explication of Rawls's senior thesis, Adams identifies the different places in which the trace of theological ethics of the young Rawls is found in the works of the later Rawls. Among obvious resemblances between the two are the notions of persons as free and equal individuals, the emphasis on values of equality, and the rejection of merit.⁹

Adding to the above studies, this essay attempts to examine the relationship between the theological ethics of the young Rawls and the second principle of justice of the later Rawls, which comprises the principle of fair equality of opportunity and the difference principle.¹⁰ Focusing on this set of principles because of their unique combination of equality and option for the least advantaged, I will argue that they are but a formulation of some of the basic values Rawls holds in the BISF but are expressed in terms of the so-called 'political conception'. I will try to show that the continuation of the young Rawls's theological ethics to the later Rawls's second principle of justice runs through his conception of community and personhood. To do so, I will begin with outlining the young Rawls's conception of community and personhood as the core concepts of his theological ethics (Section 1), then present some tenets of the second principle of justice (Section 2), and finally explore the connection between the young Rawls's conception of person and community and the second principle of justice (Section 3).

The Young Rawls's Conception of Person and of Community

Personality and community are among the core concepts of the young Rawls's theological ethics as expressed in the BISF. His elucidation of sin and faith and his charge against so-called 'naturalism' – both of which he says are the main aims of his senior thesis – can be said to revolve around these two core concepts.¹¹ In what follows I will give a brief account of the young Rawls's conception of personhood and community and some issues clustered around this conception in order to make this paper intelligible.

The Young Rawls on Person

Rawls treats the existence of personality in the world as a basic belief from which his inquiry into the meaning of sin and faith evolves. He nevertheless does not give a clear-cut definition of personality. He tries to

make his notion of personality clearer by drawing a subtle distinction between individuals and persons by saying that “[b]y personality we do not mean individuals” and that “personality is something over and above individuals as such,” but without explaining further why it is so.¹² Another attempt he makes is to equate personality with 'spirit' and spiritual life with personal life. Yet at the end it seems that this attempt does not help much either because 'spirit' too, as he admits, is a term that can be hardly defined.¹³ However, we can infer the main characteristic of personality from Rawls's assertion that “[a]ll persons are individuals, that is, separate and distinct units, but all individuals are not persons.”¹⁴ By saying that individuals are separate and distinct units and by contrasting persons with individuals, Rawls seems to suggest that what distinguishes person from individual is its being in the community, its relation to others.¹⁵ This is supported by his statement that “[m]an, as person, belongs to this community and it is membership in the community which is the distinctive thing about man [.]”¹⁶

This distinction between persons and individuals discloses what Rawls believes to be the distinctive feature of human beings. Departing from the long held view of human nature as rational being, Rawls maintains that the very nature of human beings as persons is their being in relation to community. Human beings are communal by nature, he says. Rawls takes this to be his fundamental assumption, so that he feels a need to present this basic belief strongly; and so he writes:

[w]hat is man? We believe that man is a communal being and thereby possess personality. The distinctive thing about man is not his reason, not his appreciation of beauty, not his various powers; no, man's distinctiveness from other worldly creatures is that he was made for community and that he is a personality necessarily related to community.¹⁷

This turning away from the classical Greek view of human nature along with his rejection of natural (Platonic and Aristotelian) ethics seems to stem from the same concern, i.e. to safeguard persons from being treated as objects and merely separate units.

Another characteristic of personality in the young Rawls's view is irreducibility and uniqueness. He says that personality is not reducible to “the possession of a particular body or to the sum of mental states.”¹⁸ Yet as in the case of other features of personality, Rawls takes this to be a basic

belief that people with common sense can easily accept. It will nevertheless make more sense if we connect this belief with his equation of personality with spirit. Reading the statement in this context, I take Rawls to be suggesting that it is the spirit that makes human beings unique and irreducible.

The Young Rawls on Community

Now let us turn to Rawls conception of community. As we have seen, personality is for Rawls communal; human beings as persons are beings in and for community. But what is community for him? The community that the young Rawls has in mind and refers to in the BISF is the community of faith, a religious community. Although admitting that it is difficult to define the term 'community', he is sure that community is not an aggregate of individuals; rather, it is that which involves personality.¹⁹ Put more clearly, it is the realm in which the whole array of relations among persons based on faith and love takes place. This community should not be understood in a narrow sense as referring to the so-called congregation of the faithful, no matter how strong the inclination to do so may be. This equation should not be made since Rawls conceives community so as to include the whole universe as far as its spiritual aspect is concerned. "The world in its essence, is a community, a community of creator and created, and has its source, God," he writes.²⁰ The establishment of such a community, he believes, is the final end of God's creation.

Already at the outset, Rawls makes clear what he believes to be the relationship between personality and community: that the two are so mutually interdependent that "[u]nless we have personality, we do not have community [and] unless we have community we do not have personality."²¹ It is in the framework of personality and community that Rawls discusses natural relation and personal relation.²² He defines natural relation as a relation taking place between a person and some object, of which the relation between someone as a person with things desired is an example. This type of relation is considered normal, not bearing any moral weight, as far as it is practised in the natural realm. It is a relation proper to such a realm. By personal relation the young Rawls means a relation between two persons. Buberian in tone, he describes it as a relation between the 'I' and 'Thou', in which both persons involved in the relation are seen as equal and treating each other as such. "It is the sharing of fellowship, of communion, of mutual presence; or it is giving, loving, and sharing[.]"²³ This is the ideal

type of relation the young Rawls has in mind when he talks about community, although he is also aware of the fact that hate and envy too can take place in personal relations.

The Young Rawls on Sin and Faith

What do personality, community, and relations have to do with sin and faith? Rawls in fact explains the meaning of sin and faith in terms of relations among persons in the community. He expresses the meaning of faith in several different ways. In his view, faith is “the inner state of a person who is properly integrated and related to community,” or “a relation of one person to another and to community,” or “the construction or the building of community”.²⁴ This understanding of the meaning of faith is rather different from the conventional one, in which faith is conceived as somewhat of a belief. This is exactly the case for the young Rawls, since he contends that belief is a cognitive attitude towards certain propositions, such as Christian dogma. Faith, in his view, is deeper than belief in that in faith one moves from a mere cognitive attitude towards dogma about God to being in a relation with God. Faith nevertheless should not be confined to relation with God only; it also has to do with relation with other persons.

While faith is for Rawls being in community with God and fellow human beings as persons, sin is for him destruction, annihilation, and repudiation of community.²⁵ It results from extending the natural cosmos, i.e. enlarging the use of natural relation to the realm of personal relation. Put in other words, sin is treating other persons, be they fellow human beings or God, as objects; and in so doing treating them impersonally. Sin, as Rawls puts it, manifests itself in two forms, i.e. egoism and egotism.²⁶ An egoist uses other persons as objects and treats them as means for satisfying his or her own desire; whereas an egotist refuses to share anything in order to preserve his/her distinctiveness from other people.²⁷ When one sins, s/he is cut off from community. The restoration of the relation leading to the re-integration into community is called conversion, which, in Rawls's view, is God's election and gift since man cannot save himself.²⁸

Indeed, Rawls's elucidation of community and personality in the BISF is much richer than what is presented here. We in fact have not yet touched other important – though minor – themes of the young Rawls's theological ethics, such as social contract, utilitarianism, and merit. Yet for the time being, suffice it to limit the presentation to what we have now for the purpose of this essay. As for the untouched themes, I will incorporate them

as I discuss the relationship between the young Rawls's conception of personhood and community and the later Rawls's second principle of justice later on.

Rawls's Second Principle of Justice: Some Tenets

In this section I will present succinctly some tenets of Rawls's second principle of justice. This I do as a preparation for exploring the connections between this principle and the young Rawls's theological ethics in Section 3 of this paper. It should be noted that Rawls treats his two principles of justice as a set and sees them as so intimately related to one another that one cannot understand the second principle of justice without paying attention to the first one (the principle of equal liberties). Due to the purpose of this paper and the limits of time and space, I will nevertheless limit myself to presenting the second principle of justice and will touch the first principle of justice only insofar as it can help bringing the tenets of the former under a brighter light.

General Features

Rawls's second principle of justice, in its most recent version, reads as follows:

[s]ocial and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).²⁹

It consists of two subsets of principles lexically ordered, i.e. the principle of fair equality of opportunity and the difference principle.

Three things are worth bearing in mind as far as the second principle of justice is concerned.³⁰ First, the principle is set in a purely hypothetical situation of social contract. In this imagined situation, the parties involved in the contract choose a conception of justice that would govern their social cooperation without knowing their places in society, their social classes and positions, abilities, intelligences, strength, etc.³¹ This is what Rawls means when he says that the principles of justice are to be chosen behind the 'veil of ignorance'. The aim of this mode of choosing is to guarantee that the initial (original) situation is fair, so that the fundamental agreements

achieved in such situation are also fair.³²

Secondly, this principle is to be applied to the basic structure of society. In other words, the basic structure of society is the primary subject of this principle of justice. By 'basic structure' Rawls means "the way in which major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation" in the form of a public system of rules; while 'major social institutions' refers to "the political constitution and the principal economic and social arrangements."³³ Targeting the basic structure of society, the principle, Rawls asserts, is not to be applied to single transaction viewed in isolation from the system.³⁴

Thirdly, as in the case of the two principles of justice taken as a set, in the second principle of justice too there applies the priority or primacy rule. In the second principle of justice, says Rawls, the principle of fair equality of opportunity is prior to the difference principle and has an absolute weight over it.³⁵ This priority requires that in order for the difference principle to be applied, the principle of fair equality of opportunity must be satisfied first. Bearing these four features of the second principle of justice in mind, let us let us consider its two subsets one by one, following the sequence Rawls sets forth in his explication of them.

The Difference Principle

We begin with the difference principle. This principle makes its demand on society's basic structure as follows: social and economic inequalities are to be to the greatest benefit of the least-advantaged members of society.³⁶ To understand this principle, it should be borne in mind that Rawls's justice as fairness idealizes social goods and resources produced by social cooperation being distributed justly, i.e. equally,³⁷ and thus inequalities are undesired. Why are they undesired? Rawls gives several reasons. First, because it seems wrong that some people in society are amply provided for, while a few find their urgent needs go unfulfilled. Second, because socioeconomic inequalities can lead to one part of society controlling and dominating the rest in the political domain. Thirdly, because political and economic inequalities are so closely related to social status that they can cause those of lower status to view themselves and viewed by other as inferiors.³⁸

The problem is that even in a well-ordered society, in which both equal basic liberties and fair equality of opportunity are secured, certain forms of

inequalities exist due to the differences in the shares of primary social goods among members of society. Those primary goods are (1) basic rights and liberties, (2) freedom of movement and free choice of occupation, (3) powers and prerogatives of offices and positions of authority, (4) income and wealth, and (5) social bases of self-respect.³⁹ Among the inequalities there exist the so-called socioeconomic inequalities. Such inequalities are caused by the difference in the distribution of income and wealth, the cause of which can be traced further to the differences in three kinds of contingencies, i.e. (1) social class of origin, (2) native endowments, and (3) luck.⁴⁰ The difference in the distribution of income and wealth leads to what in Rawls's view are the most serious inequalities from the point of view of political justice: inequalities in citizens' prospects over a complete life or, simply expressed, life-prospects.⁴¹ It is these socioeconomic inequalities that the second principle of justice is meant to regulate.

The question is then: if inequalities are to exist, how are they to be justified? Alternatively, what makes inequalities permissible? The answer – and at the same time criterion – the difference principle provides is: insofar as they are to the greatest benefit of the worst off in society. By saying this, Rawls does not mean that other members (or, more precisely put: index positions) of society are excluded from the benefits. Rawls makes this point clear by first setting out a general conception of justice which requires that “[a]ll social values – liberty and opportunity, income and wealth, and the social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.”⁴² The two principles of justice, under which the difference principle is a subset, are considered to be a special conception of justice. Presupposing the general conception of justice, they specify it and are subject to its constraints.⁴³ In the difference principle, Rawls makes a shift from the general conception of justice to the special one by admitting the principle of efficiency but then trying to go beyond it.⁴⁴ He goes beyond the precept of this principle by singling out the least advantaged as a particular position from which the social and economic inequalities of the basic structure are to be judged. Rawls calls this the democratic interpretation of equality. The result is a precept stating that “the higher expectations of the better situated are just if and only if they work as part of a scheme which improves the expectations of the least advantaged members of society.”⁴⁵ So, the difference principle requires, firstly, that the existing inequalities are to be for the benefit of all members of society; they are to improve everyone's situation. Only from

within this constraint is a scheme worked out for the greatest benefit of the least advantaged.

As the difference principle requires, socioeconomic inequalities are allowed insofar as they are to be to the greatest benefit of the least advantaged members of society. But who are the least advantaged? Rawls singles out this group by reference to the holding of (index of) primary goods, the list of which we have mentioned before.⁴⁶ In a well ordered society, says Rawls, the least advantaged are those who belong to the income class with the lowest expectations. Defined simply in the frame of the difference principle, the least advantaged are “those who share with other citizens the basic equal liberties and fair opportunities but have the least income and wealth.”⁴⁷ To be more specific, belong to this group are persons

whose family and class origins are more disadvantaged than others, whose natural endowments (as realized) permit them to fare less well, and whose fortune and luck in the course of life turn out to be less happy, all within the normal range [...] and with relevant measures based on social primary goods.⁴⁸

Rawls acknowledges that a certain arbitrariness in identifying the least advantaged group is unavoidable because it is difficult to determine what 'normal range' and 'relevant measure' mean. To solve this problem, he proposes two suggestions.⁴⁹ First, to choose a particular social position (for example, unskilled workers or farmers) and then count those in this position with less income and wealth as the least advantaged. Secondly, to single out the least advantaged not with reference to particular social position, but by regarding all persons with income less than a half of the median as the least advantaged.

Given the demand of the difference principle, how should the basic structure of society be arranged so that such requirement is to be satisfied? What scheme of cooperation should be taken up? According to Rawls, we should choose the *most effective* scheme, i.e. one that produces the greatest benefit (or index goods) for the worst off while advancing the index goods of the more advantaged.⁵⁰ To illustrate this, let us consider the following simple example. Suppose that there are three schemes of social cooperation, each producing different salary for the more advantaged group (MAG) and wage for the least advantaged group (LAG) for the whole course of life. Scheme 1 produces 4 for MAG and 2 for LAG, scheme 2 produces 7 for MAG and 4 for LAG, and scheme 3 produces 5 for MAG and 6 for LAG. In

this case, the difference principle requires that scheme 3 be taken up because it is the most effective one in the sense described above. In order that the ideal of the difference principle can be realized, Rawls sees it as important that public rules organize productive activity, specify the division of labor, assign various roles to those engaged in it, and – most importantly – schedule wages and salaries accordingly.⁵¹

By way of closing, it should be noted that however appealing the difference principle may be, it must not be treated as absolute. It must rather be seen in connection with the principle of fair equality of opportunity. Albeit the principle of equality of opportunity is explicated after the difference principle in TJ, Rawls in the most recent version of the principles of justice places the former as the first subset of the second principle of justice, and asserts that it has a priority over the latter. To this principle, I now turn my attention.

The Principle of Fair Equality of Opportunity

The principle of fair equality of opportunity reads: “Social and economic inequalities [...] are to be attached to offices and positions open to all under conditions of fair equality of opportunity[.]”⁵² This principle is meant to regulate access to positions and offices established by the basic structure and to correct the flaws of formal equality of opportunity in the system of natural liberty.⁵³

What does the principle of fair equality of opportunity demand, and what does it forbid? Rawls maintains that this principle demands more than a constitutional essential, and some of its precepts are not counted as constitutional essentials.⁵⁴ To make his point, Rawls compares fair equality of opportunity with formal equality of opportunity, famously known as ‘careers open to talents’. The latter, he says, requires that “all have at least the same legal rights of access to all advantaged social positions.”⁵⁵ The principle of fair equality of opportunity goes beyond this precept. It requires “[...] not merely that public offices and social positions be open in the formal sense, but that all should have a fair chance to attain them.”⁵⁶ In order for this precept to work out, it is further required not only that the law must not discriminate, but also that it must prohibit discriminatory rules imposed by other agents.⁵⁷ It is unjust, from the point of view of the principle of fair equality of opportunity, if associations affected by this principle deny a person access to the position of leadership or to other positions if the person is just as motivated and endowed as the other

competitors are.⁵⁸

As Pogge points out, just as this principle prohibits positions being determined by lot, so does it forbid discrimination by social class, age, and economic status in the access to such positions, be it set by law or imposed by other agents. Fair equality of opportunity also demands that information on the positions of authority be available equally to everyone so that none is disadvantaged from lack of information. To be more concrete, the principle of fair equality of opportunity mandates that no one must be prohibited to compete for educational and employment opportunity, that there be no reserve of a certain percentage of management position of firms for a certain gender, and no giving of advantage in gaining admission to universities to a certain race, gender, or economic status.⁵⁹ In short, all social impediments, be they due to social class, economic ability or cultural barriers, should be cleared away so as to make the equal access possible. To achieve all this, says Rawls, political and legal institutions must adjust the long trend economic forces in order to prevent excessive concentration of property and wealth in a few hands because such concentration may lead to political domination.⁶⁰

As Rawls maintains, the principle of fair equality of opportunity applies first of all to the basic structure of society as a public system of rules. It also applies to associations and groups such as firms, labor unions, churches, universities and family –in short, all public sectors within a frame of a nation-state.⁶¹ It nonetheless applies to these associations and groups only indirectly. That is to say, it does not regulate and intervene in the internal affairs of those associations. It can intervene only in the case in which the acts or conducts of those associations or groups go against the constraints it sets in place. For example, the principle of fair equality of opportunity does not regulate how churches are to elect their bishops or whether or not homosexuals are allowed to be ordained bishops, nor does it stipulate whether or not women can be ordained priests in the Catholic Church. These matters are, according to Rawls, internal affairs which those churches themselves have to decide and regulate through their internal laws.⁶² Another example: although universities have their own regulations on entrance test for prospective students, they cannot discriminate in certain ways since such an act denies those discriminated against fair equality of opportunity.

Let us devote some words to highlighting the effects of the priority rules on the difference principle and the principle of fair equality of opportunity.

Recall that for Rawls these two subsets of the principles of justice are lexically ordered and that the principle of fair equality of opportunity has a priority over the difference principle. It demands that, to repeat the point, the principle of fair equality of opportunity must be applied and fully satisfied first before one applies the difference principle. To illustrate this point, consider that it may be possible that the basic structure is designed in a way that offices are assigned to superior talents in order to achieve better performance in improving everyone's situation. This nonetheless is, according to Rawls, a violation of the precept of justice expressed in the principle of fair equality of opportunity because those kept out feel treated unjustly although they benefit from such a design.⁶³ Such a scheme, in Rawls's view, should not be adopted.

Second Principle of Justice and the Young Rawls's Theological Ethics: Exploring the Connections

Having been equipped with some essentials of the young Rawls's theological ethics and Rawls's second principle of justice, we now consider the normative relation between the two. The procedure I will follow in taking up such a task is to dig into the basic assumptions of person and community upon which Rawls founds his second principle of justice, then to place them *vis á vis* the young Rawls's conception of personality and community in order to identify the continuity and discontinuity of ideas between them, and finally to explain why the shift from the latter to the former has taken place.

Person in the Second Principle of Justice and in the BISF

Behind the principle of fair equality of opportunity and the difference principle there lie certain assumptions of person and community. Rawls founds his second principle of justice upon an assumption that persons are free, equal, and rational.⁶⁴ These persons participate in the contract or social bargaining in the original position. They are those who engage in the process of choosing a conception of justice that would define the terms of their social cooperation. These persons have two moral powers.⁶⁵ First, they have the capacity for a sense of justice; and, second, they have the capacity for a conception of the good. Having these two moral powers renders them apt to be called 'moral persons'.⁶⁶

In what sense are persons in the context of Rawls's principles of justice

said to be free, equal, and rational? Rawls in JFR suggests that persons are regarded as equal “in that they are all regarded as having to the essential degree the moral powers necessary to engage in social cooperation over a complete life and to take part in society as equal citizens.”⁶⁷ Here equality of persons is defined by the holding of moral power to the essential minimum degree. In the original position, this equality takes the form of all participants (representative persons) being symmetrically situated and having equal rights in the bargaining process.

While persons as equal are so defined, Rawls maintains that persons or citizens are regarded as free in two senses. First, they are free in the sense that they are seen as capable of revising and changing their conceptions of the good on rational and reasonable grounds.⁶⁸ In this regard, they have the right to see their persons as independent from any particular (comprehensive) conception of the good. Secondly, citizens are said to be free persons in the sense that they regard themselves and are regarded by fellow citizens as self-authenticating sources of valid claims.⁶⁹ This amounts to saying that they see themselves and their fellow citizens as having space within the boundaries set by the political conception of justice to make claim on their institutions about their rights and to advance their conception of goods.

The third assumption of person that Rawls makes is that persons are rational. Persons, as citizens, are regarded as rational in the sense that they choose sensible principles of rational choice to guide their decisions in social cooperation, examples of which are the adoption of the most effective means to achieve ends, the capacity to balance their final ends with different – even conflicting – interests and ends of other members, and the capacity to rank priorities.⁷⁰ To the characteristic of persons as being rational, Rawls also adds that of being reasonable in the sense that they are willing to accept the principle of mutuality or reciprocity.⁷¹

To what extent does this assumption of person resemble the young Rawls's conception of person in the BISF? Recall that in the BISF Rawls asserts that being in community is the distinctive feature of human being as person. Citing Brunner, the young Rawls makes clear what he takes to be the truth about person:

The distinctively human element is not freedom, nor intellectual creative power, nor reason. These are rather the conditions of realization of man's real human existence, which consists in love. They do not contain their own meaning, but their meaning is love, true community.⁷²

Obviously, the Rawls of the second principle of justice puts new emphasis on the characteristics of a person. Or, rather say, he shifts the emphasis, i.e. substituting 'being in the community' as a person's distinctive feature with 'being free, equal, and rational'; he relegates the former to the background and places the latter in the center of the stage.

Rawls in fact also endorses the notion of equality in the BISO, but here too there occurs a shift. The young Rawls draws this notion from the interpretation of theological concept of Trinitarian God endorsed by Kierkegaard. Paraphrasing Kierkegaard's words he writes: "[...] God is [...] Three Persons in One, each equal with the other because that perfect community is bound by that perfect love and faith, and love seeks equality with the person to whom its givenness is directed."⁷³ By saying that spirit (interchangeable with 'person') is communal because s/he is the *Imago Dei*, Rawls seems to be implicitly saying that persons are equal too. Here, the basis of equality is to be found in God. We will not find such a way of explanation in the second principle of justice. In the latter, Rawls founds equality on a secular basis, i.e. in "their having equal worth as moral persons or their capacity for moral personality" or, more specifically, "having to the requisite minimum degree the moral and other capacities that enables us to take part fully in the cooperative life of society."⁷⁴ Note that here Rawls does not explain the metaphysical basis of persons being equal, nor does he use the notion of respect or inherent worth of persons. This is because such a notion, he maintains, "[...] is not a suitable basis for arriving at these principles [i.e. the principles of justice]."⁷⁵

Society in the Second Principle of Justice and in the BISO

In working out the principles of justice – the principle of fair equality of opportunity and the difference principle included – Rawls makes the following fundamental assumption: that society is taken as "a fair system of social cooperation [between free and equal rational persons] over time from one generation to the next."⁷⁶ To the basic structure of society so conceived, the principles of justice are to apply to regulate the fair system of social cooperation. The type of society that Rawls refers to in the principles of justice is the so-called 'well-ordered society', i.e. a society effectively regulated by a public conception of justice.⁷⁷ It falls within the category of either property-owning democracy or liberal socialist regime.⁷⁸ Rawls does not prefer one to the other since both, he says, work things out in the way the principles of justice require. However, by giving property-owning

democracy an ample space in his elucidation, Rawls seems to indicate a greater favor towards it.

Another characteristic of society Rawls assumes in the second principle of justice is close-knittedness. A close-knitted society is one in which the rise or fall of the expectations of one representative individual will affect, positively or negatively, the expectations of other representative individuals because members of society are connected to each other like chain links.⁷⁹ Rawls makes this assumption particularly in his explanation of the difference principle. I nevertheless take it, by inferring, to be a characteristic of the society.

Placing Rawls's basic assumption of society in the principles of justice *vis á vis* the young Rawls's conception of community, one can hardly avoid the impression that both share the same tone. The notion of close-knittedness of society in the Rawls principles of justice resembles with the young Rawls's notion of community as a net of relations, a nexus, in which the change of one's relation with a person in a group will change his relation with other members of the group.⁸⁰

Despite this similarity, it is a mistake to say that community and society are for Rawls the same thing. He in fact draws a border between the two by placing them in different domains. Society, in Rawls's view, differs from community in several respects.⁸¹ First, society is bigger than community as it consists of communities. Second, only society – through its government and law – can exercise coercion while community cannot do so. Third, one can leave community voluntarily, whereas there is a sense that one cannot do so with the society which one is in without legal consequences.⁸² Simply put, society is for Rawls a democratic state, whereas community is an association existing in the state, be it religious, scientific, or professional. Not paying attention to these distinctions, says Rawls, is a serious error.⁸³

Major Recurring Themes in Relation with the Second Principle of Justice

The above explication of Rawls's basic assumptions reveals some minor continuity and discontinuity in the conception of person and community of the young Rawls and the Rawls of the principles of justice. Let us now consider some major continuity and breaks taking place in the specific context of the principle of fair equality of opportunity and the difference principle as a set, i.e. (1) social contract, (2) utilitarianism, and (3) the quest for equality.

Let us take a look first at social contract. The young Rawls's attitude

towards social contract is rather negative. He rejects contract theories because, he maintains, they explain the establishment and cooperation in community in terms of bargain. For him, doing so is a mistake since bargaining stems out from fear, suspicion, and lack of trust and faith in God and fellow persons, whereas the foundation of community is in fact love, faith, and trust.⁸⁴ Thus social contract theories, he asserts, provide a false account of community and society:

[t]he idea of justice expressed in political theories of Hobbes and Locke, the view of Adam Smith that we best serve our fellow men by enlightened self-interest, all are false views of community. Any society which explains itself in terms of mutual egoism is heading for certain destruction. All 'contract' theories of society suffer from this fundamental defect.⁸⁵

The Rawls of the principle of justice nevertheless comes to the stage with a very different outlook. Discarding altogether his negative attitude towards contract theories, he embraces and makes good use of them to construct his theory of justice. Reading the preface of the TJa, one can sense that some of those whose ideas he was fiercely opposed to in his youth now turn out to be his closest allies.⁸⁶ This change of attitude is decisive to the principle of fair equality and the difference principle since both – as subsets of the principles of justice – are constructed basically by assuming that the principles of justice are the conception of justice the bargaining parties of the contract would choose in the original position to define their fair system of cooperation. They are formed in a hypothetical situation of contract.⁸⁷

Let us move on to Rawls's attitude towards utilitarianism. Rawls in the preface of the TJb states clearly that his conception of justice seeks to provide “[...] a reasonably systematic alternative to utilitarianism, which in one form or another has long dominated the Anglo-Saxon tradition of political thought.”⁸⁸ Targeting mainly the classical form of utilitarianism, Rawls contends that the defect of the utilitarian conception of justice is that it does not take seriously the distinction between persons because it extends the use of the principle of choice of one man to social cooperation, and in so doing it conflates all persons into one through the imagined acts of the impartial sympathetic spectator.⁸⁹

The rejection of utilitarianism is implied in the principle of fair equality of opportunity and the difference principle in different ways. With regard to the latter principle, Rawls in deciding which scheme of distribution is to be followed prefers one that makes both the least advantaged and the

advantaged better off while giving the highest gain of primary social goods to the former. Rawls in this case chooses a strongly egalitarian conception in interpreting the difference principle, not following the utilitarian scheme, which notably allows larger inequalities between the two groups.⁹⁰ With regard to the principle of fair equality of opportunity, Rawls prefers a democratic interpretation of this principle, which does not allow the use of the scheme utilitarianism may permit for the sake of better performance, i.e. to assign certain powers and benefits to positions.⁹¹

It should be noted nevertheless that Rawls has already had a negative attitude towards utilitarian ideas in his undergraduate thesis. Although he does not use the term 'utilitarian(ism)', the ideas that he rejects are ones that are at the heart of utilitarianism. He, for instance, refuses to see community as an aggregate of individuals.⁹² He also asserts that the purpose of God's creation "[...] is not to save an *isolated person here and there*, but restore and gather together a community of His created ones, which is *not merely an aggregate*, but a community in the full sense bound together by faith and love."⁹³ This is by no means an explicit critique against utilitarianism. However, reading this passage while bearing in mind the later Rawls's rejection of allocative justice in the TJ, one can hardly avoid inferring that the seed of rejection of utilitarianism is already there in the BISF, but it gains full force only in his elucidation of the second principle of justice.⁹⁴

Besides social contract theories and utilitarianism, equality too is a theme in the BISF that recurs in the second principle. Just as with the two other themes, it cannot be separated from Rawls's conception of person and community. In Rawls's view, as we have seen, community is a living together of persons bound by love and faith. Just as the Persons in the Trinity are equal, so are (human) persons living in community. They are equal by virtue of being the Images of God.⁹⁵ It is in the context of community that Rawls elaborates the notion of egoism and egotism. Egotism is an attitude and behavior that repudiates community because it refuses to share, seeks to develop a closed group, seeks to blame others, and is obsessed with social distinctiveness. It is a sin manifesting itself in pride, vainglory, and jealousy.⁹⁶ It can thus be said that egotism is a betrayal of equality in community.

From being a minor theme in the young Rawls's theological ethics, equality comes back in the principles of justice and occupies a central place. It is this value that the principles of justice seek to safeguard. Although the principle of fair equality of opportunity and the difference principle

regulate (socioeconomic) inequalities, it is equality that is assumed to be the value that both principles try to preserve. So to say, in the second principle of justice, equality is expressed negatively and indirectly. Reading Rawls's explanation of the second principle in tandem with the notion of egotism in the BISF, it is hard to avoid the temptation to see the second principle as a direct attack on egotism and to see inequality as a form of injustice as – in theological term – a sin.

In relation with the equality safeguarded by the second principle of justice, Rawls also addresses the issue of merit, which he once touched on in the BISF. Rawls's rejection of the idea of merit is consistent throughout. While in the BISF he rejects it because it assumes a bargain with God in the scheme of salvation by doing good in order to win God's mercy, in the principles of justice Rawls is against meritocracy because this system leaves the less fortunate behind while securing the position of a technocratic elite; and thus there is no equality of opportunity in this system.⁹⁷ Closely related to meritocracy is the notion of desert.⁹⁸ In his elucidation of the difference principle, Rawls explicitly denounces desert because it allows individuals with greater natural endowment and superior character to have a right that enables them to gain benefits without contributing to the advantages of others. This notion of deservingness, says Rawls, does not apply to the difference principle since this principle demands mutual benefits.⁹⁹

Making Sense of the Shifts

Some shifts, thus, have taken place with regard to Rawls's conception of person and community. How can we make sense of these shifts?

To answer this question, attention should be paid to one of the problems that concerns Rawls in the TJ and even more in the PL, i.e. that of the stability of a well-ordered society.¹⁰⁰ This stability is crucial because it guarantees the persistence of justice. How can a stable well-ordered society be achieved? The most reasonable answer, consistent with the way Rawls develops his theory of justice, is to make the conception of justice stable since it is this conception that defines and regulates the scheme of social cooperation.¹⁰¹

The question is then: How can a stable conception of justice be achieved? Rawls fully realizes that society is not monolithic. Its members have different, even conflicting, conceptions of justice and worldviews, most of which take the form of moral, religious, or philosophical doctrine –which Rawls in the PL and JFR calls 'comprehensive doctrines'.¹⁰²

Adopting a doctrine of this kind to be a conception that regulates the scheme of social cooperation will render that conception of justice unstable because there will be lasting disagreements among the members of society. To avoid this, the conception of justice to regulate the scheme of social cooperation must be, Rawls asserts, one that every member of society can agree upon.¹⁰³ This is the chief reason why in his second principle of justice Rawls no longer uses the BISF's theological vocabularies and conception of person and community, although the values both endorse are, to my reading, the same. Rawls later on in the PL and JFR worked to clarify the distinction between a comprehensive doctrine and a political conception of justice, the detail of which I unfortunately cannot pursue here. For the purpose of this essay, it suffices to say that the shifts have taken place because the conception of justice in the BISF is a comprehensive doctrine, and therefore it is unable to guarantee the stability of justice in public life – a task which, according to Rawls, only a political conception of justice is able to take up.

The reason for the shift to endorsing the contract doctrine is worth close attention given that such a shift is a big rupture in Rawls's political thought. In the search for the reason for this rupture, the contrast Rawls makes between a teleological theory and the contract doctrine may shed some light:

[...] the contrast between a teleological theory and the contract doctrine may be expressed in the following intuitive way: the former defines the good *locally*, for example, as a more or less homogenous quality of attribute experience, and regards it as an extensive magnitude which is to be maximized over some totality; whereas the latter moves in the opposite fashion by identifying a sequence of increasingly specific *structural forms* of right conduct each set within the preceding one, and in this manner working from a *general framework* for the whole to a sharper and sharper definition of its parts.¹⁰⁴

It is probable that the word 'locally' in the passage refers to singularity, be it an individual or a case; while by 'general framework' and 'structural forms of right conduct' Rawls probably means social institutions. The odds that this is probably the case become prime when we read the passage that immediately follows, in which Rawls maintains that the example of the theory that defines the good locally is hedonistic utilitarianism.¹⁰⁵ Thus, the reason why Rawls endorses contract doctrine is probably that he wants to

focus on the role of social institutions in the realization of social justice.

Concluding Remarks

The requirement of stability and his commitment to the 'political conception' renders the result that the Rawls of the second principle has a very thin philosophy of person. Some even doubt whether there is a philosophy of person at all his theory of justice.¹⁰⁶ This, I believe, is a consequence Rawls is fully aware of and the risk he deliberately takes in order to be able to fulfill the ambition that his justice-as-fairness carries with it. One of the consequences of the suppression of metaphysical claims under the political conception is that the route to discover Rawls's philosophy of person becomes longer and more complicated since one has to take an indirect approach.¹⁰⁷

Although Rawls's emphasis is on the role of social institutions in realizing justice, it is nevertheless misleading to say that interpersonal relationships are for him insignificant for realizing a just society. He in fact acknowledges that a just – or well-ordered – society cannot be realized through socio-political institutions alone. The realization of such society, he says, depends largely also on the quality of interpersonal relationships among its members, i.e. on affection or fellow feeling in the community.¹⁰⁸ This fellow feeling amounts to seeing successes and enjoyments of others as complementary to one's own good, reducing egoism and envy to the minimum, and not using other persons and associations as merely means to achieve one's ends. In order that a well-ordered society can be stable, Rawls maintains, this interpersonal relationship is to be turned into the form of the so-called 'civic friendship', in which members of the society treat each other as equal and are willing to cooperate for the benefit of all.¹⁰⁹

The term 'community' Rawls uses here certainly refers to an association, be it religious or professional, within the state. Strikingly, the characteristics of relationship in the community of this sense are similar to those of community in the BISF despite the fact that Rawls employs a political conception in his elaboration of it. I take this similarity to be registering the fact that Rawls wants to maintain the values of just interpersonal relationship in his political conception of justice while avoiding the risk of sliding into a comprehensive doctrine. Furthermore, his use of some elements of his earlier thought opens the possibility of interpreting his theory of justice in the light of the BISF. The task of interpreting Rawls's

theory of justice in the light of the BISF is worth taking up indeed. Unfortunately, I am not able to pursue it here in detail due to the constraints of time and space. I therefore leave it to be a topic for further research.

It is now the time to bring this paper to a conclusion. From the above examination of the intersection between the young Rawls's theological ethics and the later Rawls's second principle of justice, it can be inferred that some themes popping up in the former recur in the latter in one form or another. With regard to this recurrence, the following features are worth mentioning. First, the core values that Rawls's second principle of justice tries to safeguard are those which are highly appreciated in the young Rawls's theological ethics, i.e. equality and social cooperation. Second, the ways the recurring themes are expressed are different in the BISF and in the second principle of justice: theologically-laden in the former, politically-formulated in the latter. Third, among the recurring themes, some Rawls is consistently for (equality, for instance), others he is consistently against (utilitarianism, for example), with some others he is inconsistent (for example: social contract). It can thus be concluded, as far as the conception of person and community is concerned, that the Rawls of justice-as-fairness did not discard altogether ideas nor ideals that he once endorsed in his undergraduate thesis.

Endnotes:

- ¹ For practicality, I will abbreviate Rawls's works as follows: **BISF** for John Rawls, *A Brief Inquiry Into The Meaning Of Sin & Faith*, ed. Thomas Nagel (Cambridge: Harvard UP, 2010); **TJa** for John Rawls, *A Theory of Justice*, original ed. (Cambridge & London: Belknap Press of Harvard UP, 1971); **TJb** for John Rawls, *A Theory of Justice*, revised ed. (Cambridge: Belknap Press of Harvard UP, 1999); **JFR** for *Justice as Fairness A Restatement*, ed. Erin Kelly (Cambridge & London: Belknap Press of Harvard UP, 2001); **PL** for John Rawls, *Political Liberalism*, expanded ed. (New York: Columbia University Press, 2005), and **CP** for John Rawls, *Collected Papers*, ed. Samuel Freeman (Cambridge & London: Harvard UP, 1999). These abbreviations will be used consistently throughout this article.
- ² See Paul Ricoeur, *Figuring the Sacred: Religion, Narrative, and Imagination*, trans. D. Pellauer & M.I. Wallace (Minneapolis: Fortress Press, 1995), 327, 329.
- ³ See Eric Gregory, "Before The Original Position: The Neo-Orthodox Theology of the Young John Rawls," *Journal of Religious Ethics* 35, no. 2 (2007): 196, [http://web.ebscohost.com/ehost/results?hid=15&sid=ebbe2e7a-23f6-4a99-9cf8-b394fde61062%40sessionmgr11&vid=6&bquery=\(before+the+original+position\)&bdata=JmRiPWfwaCZ0eXBIPTEmc2l0ZT1laG9zdC1saXZlJnNjb3BIPXNpdGU%3d](http://web.ebscohost.com/ehost/results?hid=15&sid=ebbe2e7a-23f6-4a99-9cf8-b394fde61062%40sessionmgr11&vid=6&bquery=(before+the+original+position)&bdata=JmRiPWfwaCZ0eXBIPTEmc2l0ZT1laG9zdC1saXZlJnNjb3BIPXNpdGU%3d) (accessed February 16, 2011).
- ⁴ Joshua Cohen & Thomas Nagel, "Introduction", in Rawls, *BISF*, 1-23.
- ⁵ See Rawls, *BISF*, 5.
- ⁶ Rawls, *BISF*, 5.
- ⁷ Rawls, *BISF*, 7.
- ⁸ Rawls, *BISF*, 24-102.
- ⁹ These three features can be found in Rawls, *BISF*, 61 & 67 respectively.
- ¹⁰ Rawls principles of justice, in the most recent version, comprise three different principles clustered in two subsets. The first principle, or subset, consists of the principle of equal liberty, whereas the second principle comprises the principle of fair equality of opportunity and the difference principle. See Rawls, *JFR*, 42.
- ¹¹ Rawls, *BISF*, 108: "I have suggested that the reconstruction of theology must take place by using such concepts as that of community and personality." By naturalism Rawls means a view that treats all relations in all realms of life – including personal relation – as natural ones, while by natural relation he means a relation between subject and object as far as personality is involved in the relation (see Rawls, *BISF*, 107, 114).
- ¹² Rawls, *BISF*, 111.
- ¹³ Rawls, *BISF*, 111.
- ¹⁴ Rawls, *BISF*, 111.
- ¹⁵ Here I interpret this phrase in the frame of binary opposition.
- ¹⁶ Rawls, *BISF*, 112.
- ¹⁷ Rawls, *BISF*, 121.
- ¹⁸ Rawls, *BISF*, 111.
- ¹⁹ Rawls, *BISF*, 111. As we will see later on in this essay, this conception of community somehow anticipates Rawls's critique of utilitarian view of social welfare as a mere

aggregation of individuals' levels of well-being in the TJ § 5.

Rawls, *BISF*, 113.

Rawls, *BISF*, 112.

This distinction of relation can be traced back to his distinction of natural realm and personal realm, which I do not pursue here due to limit of space. As for the relations, Rawls in fact distinguishes three kinds of relation, *i.e.* causal relation, natural relation, and personal relation. However, he only mentions the causal relation – *i.e.* relation between two objects – and does not develop it because he sees it irrelevant to the topic in question.

Rawls, *BISF*, 180.

Rawls, *BISF*, 113, 124.

Rawls, *BISF*, 122.

Rawls, *BISF*, 193.

Rawls, *BISF*, 195, 196.

Rawls, *BISF*, 125.

Rawls, *JFR*, 42; Rawls, *PL*, 6. This formulation is a revised version of one in TJa, 302 and TJb, 266. The revision of this principle, says Rawls, is merely stylistic; it does not change the content.

The second principle of justice shares the first and second features with the first principle of justice.

Rawls, *TJb*, 11; Rawls, *PL*, 25.

For this reason, Rawls names the conception of justice he constructs 'justice as fairness'. See Rawls, *TJb*, 11.

Rawls, *TJb*, 6, 48.

Rawls, *TJb*, 76.

Rawls, *TJb*, 38; Rawls, *JFR*, 43.

Rawls, *JFR*, 43.

Rawls, *TJa*, p. 62; *TJb*, 54.

Rawls, *JFR*, 130, 131.

Rawls, *JFR*, 58-59. Rawls presents social primary goods and social positions in the form of *index*, and calls them *index of primary goods* and *index of positions*. He uses the term *index* in the sense it has in economics, *i.e.* as a way of clustering heterogeneous data. So, by index of goods he means the clustering of similar basic goods into a single group corresponding to representative socioeconomic – or index – positions. Rawls uses index instead of individual good and person because he wants to avoid grave difficulties in comparing different needs of each individual. According to Pogge, this use is consistent with and an application of his notion of original position, in which justice as fairness is set in an anonymity condition. See Thomas Pogge, *John Rawls His Life and Theory of Justice*, trans. Michelle Kosch (Oxford: Oxford UP, 2007), 107.

Rawls, *JFR*, 55, 77.

Rawls, *JFR*, 77.

Rawls, *TJb*, 54; Rawls, *TJa*, 62.

Philippe van Parijs, "Difference Principle", *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge UP, 2003), 202.

For a detailed account of this, see Rawls, *TJb*, § 12. The principle of efficiency, also

known as the Pareto efficiency, states that an economic arrangement is said to be efficient whenever the distribution of goods results in some individuals being made better off without at the same time making other individuals worse off (See Rawls, *TJb*, 58.

45 Rawls, *TJb*, 65.

46 Rawls defines social primary goods as “things citizens [as fully cooperating members of society] need as free and equal persons living a complete life.” See Rawls, *JFR*, 58.

47 Rawls, *JFR*, 65.

48 Rawls, *TJb*, 83. It is tempting to infer from this passage that the least advantaged group is also singled out by reference to the three contingencies. Rawls nevertheless asserts that this group is not so defined (Rawls, *JFR*, 65). The rationale is probably that he wants to avoid the difficulty in measurement.

49 Rawls, *TJb*, 84.

50 Rawls, *JFR*, 63.

51 Rawls, *JFR*, 63.

52 Rawls, *JFR*, 42.

53 The term 'position' here refers to the holding of authority or leadership in political institutions. Rawls also uses term 'social positions' in his elucidation of what he calls original position. By this term he means “the positions of certain representative individuals” taking part in the hypothetical situation of social contract in the original position (Rawls, *TJb*, 81). In my understanding, both are somewhat related to each other in that high social positions set hypothetically in the original positions can be considered to be the positions of authority.

54 Rawls, *JFR*, 47.

55 Pogge, *John Rawls*, 121.

56 Rawls, *JFR*, 43.

57 Pogge, *John Rawls*, 121.

58 In Rawls's own words: “those with same level of talents and abilities and the same willingness to use these gifts should have the same prospects of success regardless of their class of origin, the class into which they are born and develop until the age of reason.” See Rawls, *JFR*, 44.

59 Pogge, *John Rawls*, 121; Rawls, *JFR*, 44, 53.

60 Rawls, *JFR*, 44, 139.

61 Rawls, *JFR*, 10. It should be noted that this principle shares these features of application with two other subsets of the principles of justice, i.e. the principle of equal liberty and the difference principle.

62 For more examples, see Rawls, *JFR*, 11.

63 Rawls, *TJb*, 73.

64 Rawls, *JFR*, 19.

65 Rawls, *JFR*, 18, 19.

66 Rawls, *TJb*, 491: “[...] a moral person is a subject with ends he has chosen, and his fundamental preference is for condition that enables him to frame a mode of life that expresses this natural as free and equal rational being as fully as circumstances permit.”

67 Rawls, *JFR*, 20.

- 68 Rawls, *JFR*, 21.
- 69 Rawls, *JFR*, 23.
- 70 Rawls, *CP*, 316; Rawls, *TJb*, 124; Rawls, *JFR*, 87.
- 71 Rawls, *JFR*, pp. 6, 7.
- 72 Rawls, *BISF*, 192, 193.
- 73 Rawls, *BISF*, 207.
- 74 The quotations are cited from Rawls, *TJb*, 442 and Rawls, *JFR*, 20 respectively.
- 75 Rawls, *TJb*, p. 513.
- 76 Rawls, *JFR*, 5; Rawls, *TJb*, 4.
- 77 The characteristics of a well-ordered society, according to Rawls, are as follows. First, everyone in the given society accepts and knows that the others accept the same principles of justice. Second, its basic institutions generally satisfy and are generally known to satisfy such principles of justice. For a detailed account of this, see Rawls, *TJb*, 4.
- 78 Rawls, *JFR*, 139; Rawls, *TJb*, xv.
- 79 Rawls, *TJb*, 71.
- 80 Rawls, *BISF*, 204.
- 81 Rawls, *JFR*, 21.
- 82 To all this, another distinction can be added, i.e. society is regulated by a political conception of justice while community by a comprehensive doctrine.
- 83 Rawls, *JFR*, 22.
- 84 Rawls, *BISF*, 227, 229.
- 85 Rawls, *BISF*, 189.
- 86 Rawls, *TJb*, xviii: "What I have attempted to do is to generalize and carry to a higher order of abstraction the traditional theory of the social contract as represented by Locke, Rousseau, and Kant."
- 87 Rawls, *TJb*, 11.
- 88 Rawls, *TJb*, xi.
- 89 Rawls, *TJb*, 24.
- 90 Rawls, *TJb*, 66.
- 91 Rawls, *TJb*, 73.
- 92 Rawls, *BISF*, 111. As we have seen, individuals are for Rawls distinct, separate, units –in the sense of not living in 'community'.
- 93 Rawls, *BISF*, 247. Italics are added.
- 94 In allocative justice, Rawls says, a given collection of goods is divided among definite individuals with known desires and needs, in which the allocation of the goods is judged in isolation from the system of cooperation because the goods are not the products of individuals or of the social cooperation. Allocative justice, Rawls asserts, is what the utilitarians hold. Rawls prefers to hold the conception of distributive justice, the characteristics of which are exactly opposed to those of allocative justice. Rawls discusses this all in his elucidation of the second principle of justice. See Rawls, *TJb*, 76, 77.
- 95 Rawls, *BISF*, 193.
- 96 Rawls, *BISF*, 201, 211.
- 97 Rawls, *BISF*, 91. Meritocracy is a system of government in which an elite is selected on

the basis of ability rather than social background –see Iain McLean & Alistair McMillan, eds., *Oxford Dictionary of Politics*, 3rd ed. (Oxford: Oxford University Press, 2009), 342.

⁹⁸ Desert is a belief that people ought to get what they deserve: benefit is awarded for achievement, compensation for injury, wrongdoing for punishment. For a more detailed account, see Ted Honderich, ed., *The Oxford Companion to Philosophy*, new ed. (Oxford: Oxford University Press, 2005), 206.

⁹⁹ Rawls, *TJb*, 88, 89.

¹⁰⁰ Stability in this context refers to a state in which a just society of free and equal citizens profoundly divided by moral, religious and philosophical doctrines endures over time. See Rawls, *PL*, xviii.

¹⁰¹ Rawls, *TJb*, 398: “Since a well-ordered society endures over time, its conception of justice is presumably stable [.]” I take this passage to imply that the stable conception of justice is what makes the society stable.

¹⁰² See, for example, Rawls, *PL*, 12-13; Rawls, *JFR*, 60.

¹⁰³ See Rawls, *TJb*, 5. In the *PL* and *JFR*, Rawls calls this conception ‘a political or public conception of justice’ and says that the two principles of justice are examples of such a conception.

¹⁰⁴ Rawls, *TJb*, 496. Italics are added.

¹⁰⁵ Rawls, *TJb*, 496.

¹⁰⁶ This is the critique that Prof. Paul van Tongeren made when this paper was presented in the Leuven-Macerata joint seminar at KU Leuven on May 6, 2011.

¹⁰⁷ Sandel, for example, makes such an attempt by examining Rawls’s notion of ‘mutual disinterest’. For detailed accounts of this illuminating examination, see Michael J. Sandel, *Liberalism and the Limits of Justice*, 2nd ed. (Cambridge: Cambridge University Press, 1998), 47-65.

¹⁰⁸ Rawls, *TJb*, 500.

¹⁰⁹ Rawls, *TJb*, 470.

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